

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MIDWEST WIRELESS IOWA, L.L.C.	DOCKET NO. 199 IAC 39.2(4)
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ORDER DESIGNATING ELIGIBLE CARRIER

(Issued July 12, 2002)

On June 14, 2002, Midwest Wireless Iowa, L.L.C. (Midwest), filed with the Utilities Board (Board) an application for universal service eligible carrier status in Iowa. Midwest asks that the Board designate Midwest as an eligible telecommunication carrier (ETC) pursuant to 199 IAC 39.2(4). No objections have been filed regarding this application.

Board rule 39.2 provides a means by which the Board can designate Iowa telecommunications companies to be eligible to receive funding from the universal service fund, as defined by the Telecommunications Act of 1996, 47 U.S.C. § 254. Under the Act (and Federal Communications Commission (FCC) regulations implementing the Act), the Board must determine that a carrier meets the following service requirements before it may be designated an eligible carrier as set forth in rule 39.2(4):

- 1) Offer the services supported by the federal universal service fund;

- 2) Offer the services using its own facilities or a combination of its own facilities and resale (47 C.F.R. § 54.201(c) provides that "own facilities" includes purchased unbundled network elements);
- 3) Advertise the availability of the supported services; and
- 4) Offer the services throughout the designated service area.

An ETC must also offer a minimum amount of local exchange service, defined in usage minutes, provided with no additional charge to customers. See FCC order No. 98-272, October 26, 1998. See also 199 IAC 39.2(1)"b." The FCC has not yet quantified a minimum amount of local usage required to be included in a universal service offering, but has initiated a separate rule making proceeding to address this issue. Id. Any minimum local usage requirements established by the FCC as a result of that rule making would be applicable to all designated ETCs. The Board understands that Midwest will comply with any and all minimum local usage requirements adopted by the FCC. The Board also understands that until the FCC establishes a minimum requirement, Midwest will offer at least one universal service offering with unlimited local calling.

In its request for designation, Midwest states that it satisfies each of these named requirements. Based upon those unopposed representations and the company's commitment to follow the minimum local usage requirements when adopted by the FCC, the Board finds that Midwest offers the services supported by

the federal universal service fund, using its own facilities or a combination of its own facilities and resale of the facilities of another carrier. The Board finds that Midwest advertises and offers the services throughout its service area as described in Exhibits "C" and "D," which will be its designated service area for purposes of the universal service fund. The Board finds these commitments by Midwest adequate to assure that public interest concerns will be satisfied.

The Board also notes that pursuant to a recent federal mandate, Midwest is required to file a certification regarding its use of universal service funds with the Board by September 10, 2002. This filing will be made pursuant to the Board's recently adopted rule 199 IAC 22.2(7), as described in Docket No. RMU-01-14.

IT IS THEREFORE ORDERED:

1. Eligible telecommunications carrier status is granted to Midwest Wireless Iowa, L.L.C., as requested in its application filed June 14, 2002, subject to the voluntary commitments regarding the local usage requirement as described in the body of this order. The designated service area for Midwest Wireless Iowa, L.L.C., shall be the service territories documented in Attachments "C" and "D" of the application, attached to and incorporated by reference in this order.

2. The Executive Secretary of the Utilities Board shall mail copies of this order to Midwest Wireless Iowa, L.L.C., the Universal Service Administration

Company, the Federal Communications Commission Universal Service Branch, and
the Federal Communications Commission Office of the Secretary.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 12th day of July, 2002.